



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.223 of 2023

Nowshad Ali,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Karaikudi North Police Station
Karaikudi, Sivagangai District
(Crime No.401 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Rajini A, Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.401 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 448,389,294(b), 506(ii) of I.P.C., in Crime No. 401 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that he had constructed commercial complex at Karaikudi and he had even given shops for rent and the petitioner claiming himself to be public spirited person had threatened the defacto complainant stating that he had not obtained permission for constructing the complex and blackmailed and had demanded Rs.3 lakhs for not taking further action and when it was questioned by the defacto complainant the petitioner had abused him in filthy language and also threatened him. Hence the case came to be registered.



3. The learned counsel for the petitioner would submit the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is the social activist and the defacto complainant had constructed a complex in highly congested area without obtaining proper permission. The petitioner had applied to the District Collector under RTI Act for certain particulars to take action and only to prevent the petitioner from racking up the issue a false complaint has been given with the help of the police. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner in a guise of social activities has threatened the defacto complainant who had constructed commercial complex and had demanded Rs.3lakhs for not taking action against him. He would further submit that five cases are pending against him. Hence he opposed to grant anticipatory bail to the petitioner.

5. In reply the learned counsel for the petitioner would submit that the petitioner is not an anti social element and he as a social activist had taken action against the illegal construction and other encroachments, thereby false cases have been registered against him.

6. Heard. Perused the materials available on record including the First Information Report.

7. Taking into consideration of the facts and circumstances of the case and also the submission made by the learned counsel for the petitioner, this court is inclined to grant anticipatory bail to the petitioner , with certain conditions:

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Karaikudi on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to confirm their identity.



[b] the petitioner shall stay at Madurai and report before the Othakadai Police Station, daily at 10.30 a.m., for a period of two weeks and thereafter, on every saturday at 10.30 a.m., before the respondent police until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/01/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

- 1 THE JUDICIAL MAGISTRATE, KARAUKUDI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARAUKUDI NORTH POLICE STATION, KARAUKUDI,
SIVAGANGAI DISTRICT
- 4 THE INSPECTOR OF POLICE
OTHAKADAI POLICE STATION, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.223 of 2023
Date :05/01/2023